

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2281 of 2007

Raosaheb Hari Shinde & Ors. .. Petitioners
versus
State of Maharashtra & Ors. .. Respondents

...

Mr.P.N. Joshi for the petitioners.

Mr.Vijay Sonpal AGP for respnodent nos.1, 2 and 4.

Ms.Deepa Chavan i/b M/s.Little & Co. for respondent
no.3.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 17th July 2007.

P.C.:

1. The petitioners have approached this court seeking a direction that the irrigated land on the periphery of the acquisition proposed by the MIDC be deleted and/or the Government be directed to withdraw from acquisition. The petitioners rely on certain meetings which were conducted in the presence of the

Collector and some agriculturists. However, from the stand taken by the MIDC, we do not find that the MIDC is party to the said meetings. Apart from that, if the MIDC requires the land and the MIDC insists and is ready to make payment of the market price, the Government has to proceed for acquisition since establishment of the industry is one of the public purpose for which the lands are proposed to be acquired.

2. Apart from this aspect, the survey numbers of the lands of the petitioners are not mentioned in the petition. Even though a statement is been made that 7/12 extracts have been annexed, there are no 7/12 extracts on record. Nothing has been brought on record to show that their lands are on the periphery and that they are irrigated lands except making an averment.

3. Under these circumstances, we do not desire to go into the disputed questions of fact in respect of the lands to be acquired. The petitioners may pursue and persuade the MIDC and the Collector, if they so desire, and the State may take appropriate decision taking into consideration the factual situation and requirement of the State and MIDC.

4. We refrain to entertain the petition.
Petition is hereby rejected.

(D.G. KARNIK, J)

(S.B. MHASE, J)